

TY SYMROSKI LAND USE PLANNING, LLC
2328 STAPLES AVENUE
KEY WEST, FL 33040
- - - - -



April 8, 2010
Hand Delivered April 9, 2010

Bill Harbert, Planner
Monroe County Planning Department
2798 Overseas Highway
Marathon, FL 33050

RE: Major Conditional Use Application (File No. 2010-029
24326 Overseas Highway, Summerland Key, Real Estate No. 00190830.000000

Dear Mr. Harbert,

I am writing in response to your letter of March 25, 2010, regarding the above application and items needed to complete the application.

Attached are the items needed to complete the application.

- Revised Table of Contents. Show the increase number of pages to Item 6, Letters of Coordination, due to the addition of the letter to the Health Dept.
- Revised page 2 of the application form. Further clarifying that the application includes a request to change the existing commercial floor area from low intensity to medium intensity.
- Letter of coordination. Hand delivered to the Monroe County Health Department.
- Revised Application Narrative & Background Information. The changes are to the title on the first page, correct the footer on each page, revise the density calculations to include the marina uses (office, storage / mechanic & dock-masters building) and to include the parking lot landscaping.
- Eight (8) sets of revised plans. As we discussed the morning of April 8, none of these have to be signed and sealed for the Development Review Committee review.
- Floor Plans. Including in the sets are legible floor plans.
- Construction Phasing Plan. A revised, more specific construction phasing plan is provided on the plans.

The revisions to the plans include the following changes to address some of the issues raised in our discussions and the completeness issue:

- A second set of stairs to the 2nd floor apartments,

WORK (305) 294-1815
SANIBEL ISLAND (239) 472-8631

CELL (305) 395-9363
PORTLAND (503) 295-7908

UNCLETY@BELLSOUTH.NET

- The parking lot landscaping is shown. This is incorporated along the highway and in the shoreline setback behind the B buffer between the IS area across the zone. We still are proposing to allow this area to be used for a waiting area for people loading and unloading the boats.
- Two loading zones. One zone (11' by 55') is shown adjacent to the racks. An extra loading zone (11' by 35') is shown by the boat ramp. We expect most deliveries will be by the smaller trucks and this will be a more efficient use of the space.
- Sight triangles are shown
- The traffic flow is shown. Please note our intent is to use the existing main driveway and retain the existing gate only as a backup and emergency access.
- Parking calculations summary is shown on the plans. Additional detailed calculations for shared parking is included in the Background Information.
- Legible floor plans. Additionally, the plans more clearly show the separation of 3,000 sq. ft. of retail (which requires parking) from the marina office, storage and mechanic room.
- Revised phasing plan
- The drainage has been revised to address the comments by Kevin Wilson.
- The boat rack elevations have been revised to show a T-top canopy boat in the top rack.

In conclusion, I believe the application is now complete and can be forwarded to the next available Development Review Committee meeting. Please do not hesitate to call if you have any questions or need additional information.

Sincerely,



Ty Symroski

Contents

Summerland Marina – Major Conditional Use Application
MM 24.5 Bayside, Summerland Key. 24326 Overseas Highway,
36 Dry Boat Slips, 5 Affordable Housing Apartments & Request
Low-Intensity Retail be Changed to Medium-Intensity

1. Application Form.....	4 pages
Application Fee Calculation.....	2 pages
Deed.....	2 pages
State Corporation Documents for Corporate Agent.....	2 pages
Agent Authorization.....	1 pages
2. Narrative	
Background Information.....	1 of 10 pages
Community Impact Statement.....	3 of 19 pages
Environmental Designation Survey.....	10 of 19 pages
Standards Applicable to All Conditional Uses (Sec. 110-67).....	12 of 19 pages
Additional Standards.....	15 of 19 pages
3. Location Maps, Aerial Photograph, Photos of Property.....	8 pages
Photographs of Surrounding Developed Properties.....	4 pages
4. County Maps.....	4 pages
5. Traffic Study by Traf Tech.....	17 pages
6. Letters of Coordination, Responses & follow up letters.....	16 pages
7. Owners of Property within 300 foot radius Map & Labels.....	14 pages
8. Property Record Cards.....	4 pages
Survey.....	Attached
Site Plan & Conception Drainage Plan.....	Attached
Floor Plan.....	Attached
Building Elevations.....	Attached
Landscape Plan.....	Attached

APPLICATION

Also change existing 3000 sq. ft. of low intensity to medium intensity.

Land Use District Designation(s): SC

Present Land Use of the Property: Marina & Retail & 1 Dwelling Unit

Proposed Land Use of the Property: Same. 36 Boat racks will be added & 5 Affordable 1-bedroom apts.

Total Land Area: 30,000 sq. ft.

TJ
4/8/10

If non-residential or commercial floor area is proposed, please provide:

_____ Total number of non-residential buildings

36 Total non-residential floor area in square feet boat racks

If residential dwelling units are proposed, please provide:

_____ Total number of residential buildings

_____ Total number of permanent, market-rate units

5 Total number of permanent, affordable / employee housing units

_____ Total number of transient units (hotel rooms, recreational vehicle / campground spaces)

Has a previous application been submitted for this site within the past two years? Yes ___ No X

All of the following must be submitted in order to have a complete application submittal:
(Please check as you attach each required item to the application)

- ☒ Complete major conditional use permit application (unaltered and unbound);
- ☒ Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- ☒ Proof of ownership (i.e. Warranty Deed);
- ☒ Current Property Record Card(s) from the Monroe County Property Appraiser;
- ☒ Location map;
- ☒ Photograph(s) of site from adjacent roadway(s);
- ☒ Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor - 16 sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; and total acreage by habitat);
- ☒ Written description of project;
- ☒ Environmental Designation Survey (prepared in accordance with Monroe County Code);
- ☒ Community Impact Statement (prepared in accordance with Monroe County Code);
- ☒ Signed and Sealed Site Plan, prepared by a Florida registered architect, engineer or landscape architect- 16 sets (drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale). At a minimum, the site plan should include the following:

☐ Date, north point and graphic scale;

Revised 4/8/10
TJ

TY SYMROSKI LAND USE PLANNING, LLC
2328 STAPLES AVENUE
KEY WEST, FL 33040
- - - - -

Monroe County Health Dept.
1100 Simonoton Street
Key West , FL 33040

April 6, 2010

RE: Summerland Marina (former Sherman Marine)
Mile Marker 24.5. 24326 Overseas Highway. RE Number: 00190830-000000

To Whom It May Concern:

We are making application for a Major Conditional Use on Summerland Key to replace existing haphazard boat and trailer storage (see attached photograph under the previous owners) with 36 boat racks and to add five (5) affordable one-bedroom rental apartments on the second floor of the existing building.

Please review the enclosed materials and send any comments to myself at the above address and call if you have any questions.

Sincerely,



Ty Symroski

Attachments:

Conceptual Site plan
Location map
Aerial photograph

Summerland Key Marina Conditional Use

Application Narrative & Background Information

Legal Description: Lots 9, 10, 11, 12 & 13, Block 2, Summerland Key Cove Addition #2, Summerland Key. Monroe County PB 4-100.

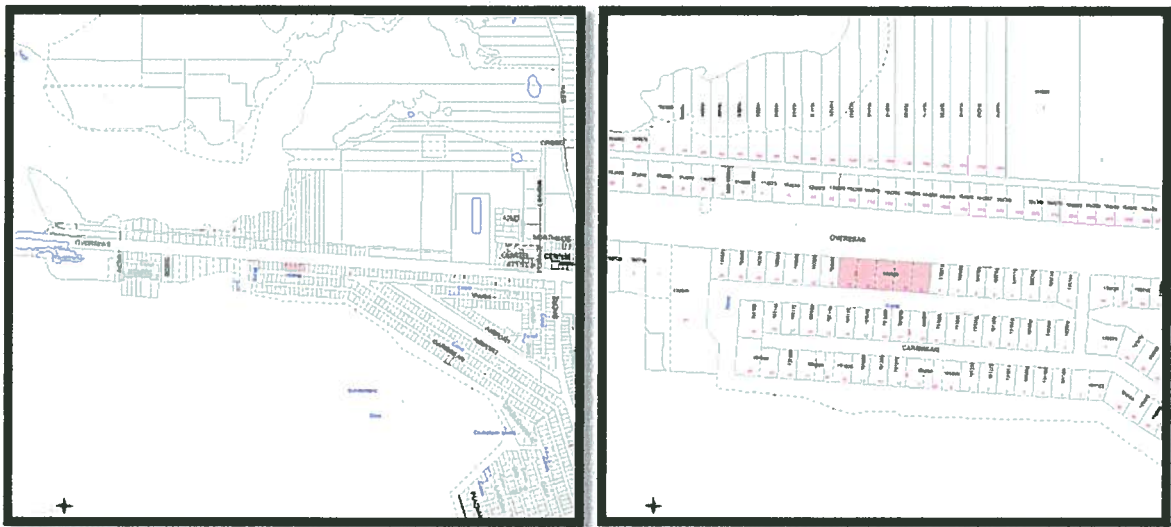
RE #: 00190830-000000

Alternate key #: 1252751

MM: 24.5 Oceanside

Address: 24326 Overseas Highway, Summerland Key

Location Maps:



Owner: Summerland Key Marina LLC
11 Main Street, Suite 16
Southborough, MA 01772-1661

Environmental Characteristics: Highly disturbed. There are only a few landscape trees (Gumbo Limbo, Mahogany and green and silver buttonwood. The property is designated Tier III.

Flood Zone: AE 10 Map Number 12087C1312K Revised February 18, 2005

Zoning: Sub Urban Commercial (SC). Marinas are allowed as a Major conditional use. Employee housing involving 6 units is allowed as a minor conditional use”¹

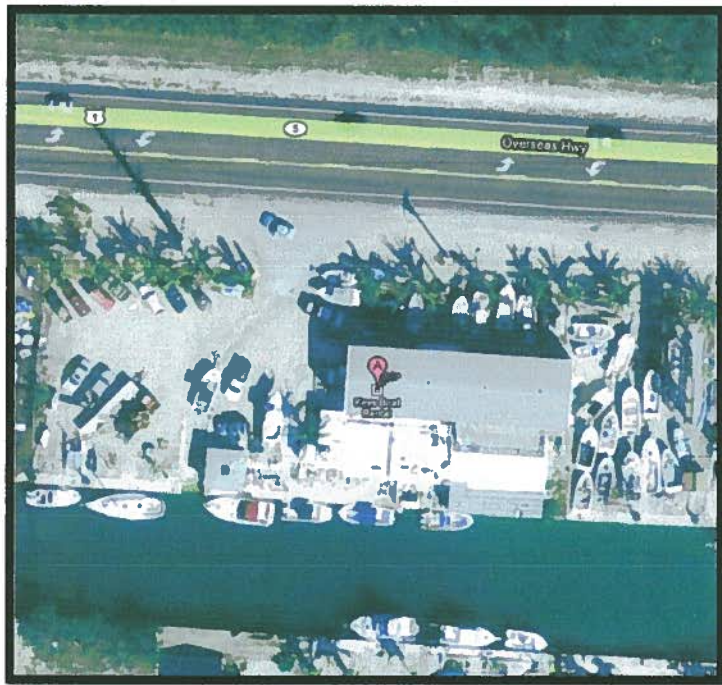
FLUM: Mixed Use Commercial (MC)

Prior Zoning Approvals²

¹ Sec. 130-93, Monroe County Code.

On July 30, 1990, Planning Director Lorenzo Aghemo, signed Minor Conditional Use Development Order #15-90 for "construction of a 3,000 square-foot addition to a project known as Sherman Marine"³. This development order only included four lots (10, 11, 12 & 13) and did not include lot 9 which was acquired at a later date. Nor did the development order include the area to be leased from Mote Marine. The following four conditions were attached to this approval.

1. The described property shall be restricted to no more than low intensity uses as defined by Monroe County Code in perpetuity, or until further development approvals are obtained.⁴
2. A final landscape plan shall be submitted for approval by the County biologist along with building permit application.
3. All outdoor storage areas shall be screened by a solid fence, except along US 1, as indicated on the approved site plan.
4. All nonconforming signs on the subject property shall be entirely removed, in addition to those encroaching on FDOT right-of-way, and may be replaced with conforming signs.⁵



Aerial Photo from Google Map

² A records request was submitted on December 7, 2009. The information is based on the materials found by the Planning Staff. The approved site plan was not found.

³ Official Record 1146, Page 0257.

⁴ This reason for this restriction is found in the Findings of Fact of Development Order #15-90. Specifically, "2.3 The project was reviewed as low intensity retail use and the traffic impact analysis was so oriented." There does not appear that the site was conditioned to low intensity based on density / intensity calculations.

⁵ At the time of this development order, lot 9, the lot with the existing billboard, was not part of the property and thus this condition does not apply to the billboard.

Community Impact Statement

General Description of the Proposed Development

Summerland Marina, (the former Sherman Marine) is seeking to enhance this existing working waterfront in the middle of the Lower Keys. The project will consist of:

1. Constructing 36 dry boat slips and associated forklift operations. The racks are designed for a maximum boat length of 30 feet. It is expected that the average length will be 24 feet. This will replace the existing haphazard storage of boats on trailers as indicated in the aerial photograph from Google Maps. The result will actually be a reduction of the number of boats on the property and a much more professional operation.
2. Adding five (5) affordable housing units on the second floor of the existing main building. The ROGO units for these apartments still must be obtained ⁶.
3. Designating the existing the existing commercial floor area to medium intensity. Currently this area is conditioned to low intensity by development order #15-90.
4. Increasing the amount of landscaping
5. Adding storm water management including retention/detention areas
6. Variances (separate application) to the front yard setback to allow a parallel driveway, to the front yard setback to allow raised boats to extend into the setback area, to the east side yard to allow parking up to the property line, and to the number of parking spaces required.

Variances are critical for the reasonable, most efficient and effective use of this working waterfront. The front setback (25 feet), shoreline setback (20 feet) and side yard setbacks (total of 15 feet) prevent more than 45% of the site from being used. Furthermore, the parking required is not needed for such a boat storage facility. Intensive landscaping and buffering is being proposed to mitigate the impact of the reduced front yard setback and to enhance the scenic value of the US 1 corridor. Part of the front yard setback will accommodate the parking area with the rest of the property. It is important to realize that this lot was acquired after the main building was constructed and there is no way to link the two properties unless the drive is allowed. The alternative would be to have two main US-1 access points.

Improving the environment is a major feature of the project. The site is totally scarified, has very little landscaping and has very little storm water management. This project will add a diverse mixture of native ground covers, shrubs and trees to the existing silver buttonwoods and coconut trees along US 1. Storm water will be directed away from the canal into retention / detention areas along US 1 to irrigate the additional landscaping. The operation of the marina will include additional waste management to accommodate anticipated need for recycling, handling waste fluids, and fish cleaning along with normal waste.

Being is a good neighbor is a major objective. After purchasing the property, the owners immediately removed many derelict vessels and generally cleaned up the site. The forklift operation will be located

⁶ The rents and tenant limitations shall conform to Section 130-161, Monroe County Code.

where there is an existing boat ramp and hours of operation will be limited from 7:00 am to 6:30 pm. At the eastern portion of the property, the shoreline setback is will be landscaped and provide and attractive place for customers to wait as well as load and unload their boats. All parking will be setback behind this area. Outdoor lighting is very necessary to provide security to the valuable boats that will be stored onsite. None the less, the outdoor lighting will be directed away from the residences across the canal. The lighting will draw from a pallet of lighting set low to the ground, of a cutoff design, and low wattage.

Staging of the project may be needed due to the affordable housing units needing to wait for units to be allocated through the rate of growth ordinance. Additionally, a central sewer is in the planning stages and if the existing septic tank is insufficient, then adding the rental units can be held back until the sewer is available. The boat racks, storm water management and landscaping can be built in one phase and will take less than one (1) year to complete. The affordable apartments will take less than one year once the units are obtained.

Daily Operations of the marina forklift will begin at 7:00 am and end at 6:30. It is expected that all customers will enter through the main gate and park in the parking lot as the east end of the property. As much as possible, customers will be requested to call in advance to have their boats unloaded. When the boats are put in the water, they will be taken over to the customer parking where customers can load their boats. It is desired to keep customers out of the fork lift area for safety purposes and efficiency. When people return their boats, they will first bring them to the parking area to be unloaded. Boats will then line up along the seawall for wash down and flushing the lower units with fresh water and ultimately be taken out by the fork lift.

It is expected that many of the boats will not be used on a regular basis and many will be stored on the racks during the summer rather than being left in canals behind people's houses or on trailers in people's yards. There will be no fuel facilities at the marina.

Visitors to the commercial building will also use the main gate and the customer parking on the left. The gate that currently exists along US-1 will remain as a secondary / backup access point but it is the intent that the main drive be used. Although the drive in the front of the building is only 12 feet wide, this is expected to work due to low traffic volumes. The alternative is to either widen the drive, which removes highway buffer and front setback or to not have the drive and anticipate people using the second driveway.

The **US 1 Scenic Corridor** will be enhanced by substantial increases in landscaping composed of a wide variety of native canopy trees, understory trees and shrubs. The boat racks will be located behind this buffer but will still contribute to the marine character of the Keys as visitors drive on US- 1 (Recently designated and All American Road. The existing billboard is obligated by an existing lease granted by the prior owner who is financing the current owners. This lease has six years remaining.

On May 23, 2007, The Monroe County Planning Commission approved the *Design Guidelines for Boat Storage Facilities* written by the Monroe County Planning and Environmental Resources Department

(Res. P31-047). Although the proposed project is much smaller than the facilities contemplated in these guidelines, the project has incorporated many of the approaches recommended.

Site Design. As indicated in the photographs included with this application, the site was studied for its own aspects and those of the surrounding properties.

- **Crime Prevention.** Natural surveillance will occur due to the open nature of the site and the windows onto the boat racks and parking by the upstairs apartments. Natural access points and natural territorial enforcement are created by fences and landscaping.
- **Land siting.** Ecological features are not impacted. However, storm water management is being handled and directed away from the canal.
- **Views and vistas.** There are no views or vistas applicable and there is no opportunity to accentuate the end of a street or waterway as described in the guidelines.
- **Ingress / Egress.** The main entrance will be clearly delineated and the main gate is situated to minimize impact on any future trail along US-1. Internal circulation is designed to separate vehicles from the active fork lift area.
- **Pedestrian Circulation.** The Parking lot will be bordered by landscaping and the customer parking and waiting area is well separated from the fork lift area.
- **Parking and Vehicular Circulation.** The internal drive will be gravel and promote slow speeds, the pedestrians will have a separate walking area to the side of this drive. The entrance gate is setback well into the property to allow vehicles to fully pull off the highway and future trail before encountering the gate. Most importantly, customers will be kept out of the fork lift area as much as possible. A backup, secondary access from the parking lot will be maintained in case of exceptional congestion.
- **Service Areas.** The main service area will be located behind the proposed boat racks and heavy landscaping along the highway. Access will be controlled. The entire design will naturally define areas not for public use.

Architectural / Structural Design

- **Scale / Massing.** This operation is much smaller than any of the examples provided in the guidelines. The open nature of the racks will result in a less mass than if the racks were enclosed in a building. The scale is consistent with other buildings in the area including the existing main building. The use of landscaping in front of the rack and between the bows of the boats will help breakup the appearance of mass.
- **Entrances.** The main entrance to the building will be immediately visible as one drives onto the property. Awnings and windows will help related to the pedestrian scale.
- **Facades and Exterior Walls.** The main building facade will have extensive window and awning treatments.
- **Roofs.** Not applicable
- **Materials.** The addition of windows and colors will help break the blank side of the existing exterior.
- **Colors.** The design incorporates a simple but diverse arrangement of colors.



Landscape Elements. This is a small, already developed site with little opportunity of landscaping. None the less, extensive landscaping will be installed to help highlight the building and respect the US-1 corridor.

- **Landscaping.** Trees and shrubs will define the entrance and create a sense of arrival.
- **Plantings.** The trees are sized to fit on the property at maturity. The extensive use of native plants will create a xeriscape, shrubs are placed around the perimeter of the building and the racks, no thorny plants are proposed.
- **Buffers.** The buffers are designed to soften the appearance without reducing the importance of preserving the visibility to the driver and establishing a sense of arrival as described earlier.
- **Parking.** The proposed parking will be screened from view of the US-1. Cut off lighting will be used for safety and convenience without spreading light into the night sky or the neighbors across the canal.
- **Site Amenities.** Picnic tables and places to clean the anticipated catch are incorporated next to the canal and parking for customers' use. This area will include boating, diving and fishing information will be provided on sign boards next to the adjacent property being used for storing dirt.

Impact on public facilities.

The impact of public facilities will be minimal and the design includes features to minimize adverse impacts and improve the situation whenever possible. It is important to note that the project is actually replacing a very haphazard storage of approximately 60 boats on trailers with professional dry boat storage for 27 boats. The addition of five (5) one-bedroom apartments will also have minimal impact.

Potable Water. The FCAA recently completed major improvements to the well field and there is sufficient water capacity to meet forecasted demand. Measures to reduce demand include using only native plants in the landscaping and directing storm water into the landscape area. The five one-bedroom apartments will have modern toilets to the current standard and low flow shower heads. There also is a fire well on the site which will reduce potable water for fire fighting.

Boat washing will consist of using a hose with automatic shutoff nozzles. Again, it is important to note that the number of boats onsite will be reduced.

See the attached letter of coordination mailed to the FCAA.

Waste water / Sewers. Currently the site is has a septic tank and a central sewer is being planned. If the septic tank cannot not accommodate the flow then the affordable housing units can be delayed until the sewer is available.

The marina is not expected to generate any additional waste water flow.

Letters of coordination have been mailed to the FCAA, the Florida DEP and the Monroe County Health Department.

Solid waste. Waste will originate from several sources. For the residences we anticipate routine separation of recycling and household waste. The commercial tenant has yet been select but we expect to have a normal retail outlet. The marina will generate normal waste, waste fluid collection, recyclables and fish remains (which we will make all effort to keep out of the canal). The site plan shows locations for waste receptacles and a central waste location. However, these make be adjusted after further consultation with Waste management.

During construction there will be minimal waste generated. There will be no demolition or site clearing material and the racks are assembled from modules brought to the site. Filling out the interior of the existing second floor for the affordable units will only generate the routine scrap and will be handled by the contractor.

No industrial waste is expected.

Transportation and Roads. The latest information on the Monroe County website ⁷ indicates that US-1 on Summerland Key was operating at a "B" Level of Service and the adjacent segments, Cudjoe Key and Ramrod Key, were each operating at Level of Service "A". A level one traffic study (attached) was

⁷ 2008 Monroe County Public Facilities Capacity Assessment Report. Page 5 of 45.

conducted for the project and contains anticipated daily and peak hour trip generation and an assessment of impacts on the highway.

The property is adjacent to US-1 and is not served by any other roads.

The design includes several features to reduce impacts on US-1 by concentrating access through the main driveway and setting the main gate well back from US-1 such that there is sufficient space for a car with trailer to pull off before encountering the gate.

When the site was first developed, it did not own the eastern most portion of the property with the billboard. At that time, the billboard lot was vacant and it was anticipated that it would retain its own drive onto US-1. When Sherman Marine was developed, it therefore installed its own paved driveway and the building was placed at the edge of the front yard setback. Now that the adjacent, billboard lot has been acquired, it is possible to link this area with the main paved driveway. However, this link along the front of the building will have to be located in the front yard setback area and a variance is being requested. Ultimately, the goal is to retain the east gravel driveway as a secondary, back up access only.

We design of the main entrance is critical to assure we have the ability to fence off the boat storage during off hours, have 24 hour open access to the commercial building / apartments, have sufficient space for a car with trailer to pull off before encountering a gate during off hours and reduce use of the secondary, back up gate. Therefore, the main gate setback approximately 58 feet back from the edge of the US-1 Shoulder to a point aligned with the front of the racks and the building.

See the attached letter of coordination mailed to the FDOT contractor for Monroe County, VMS.

Parks. No impact.

Police. The site will be well secured by a fence, security lighting will be installed and onsite residents will monitor the area. Based on these measure and because the site is currently developed, no additional demand for police is expected. In fact due to the security measures, there may be less impact on police services.

Fire. There is an existing fire well on the site.

Hospital. There will be no additional demand on hospital facilities. Safety measures have been incorporated in the design, particularly reducing the customer activity in the forklift operation area by placing the parking and waiting area on the other side of the property.

Medicare services. No impact.

Disaster preparedness program. No impact.

Drainage systems. Storm water management is incorporated into the design and new retention / detention areas are designed to county standards. These areas will be set in the front of the property, away from the canal, to maximize the subsurface filtration through the water table.

Housing. The project will include five (5) affordable, one-bedroom apartments. The rent and tenant limitations shall conform to Section 130-161 of the Monroe County code. It is anticipated that the fifth unit will be allowed to be market rate as long as the tenant derives at least 70% of their income from

gainful employment in Monroe County. The applicant will work with the County to prepare and record the necessary deed restriction.

Special considerations

Comprehensive Plan and Land Development Regulations goals and objectives

This project furthers the goals of the Comprehensive Plan, the LDRs and the Principles for Guiding Development. The project is creating affordable housing in a location with existing infrastructure and an existing working waterfront is being improved.

Special relationships to special districts such as airports, or waste areas

This property is not located in any special land use or development district. The site is near but out of the flight path for the Summerland airstrip (private). The project is not anticipated to create smoke, electronic noise or other interference with this airstrip.

Impact on nearby municipalities or counties

There are no adjacent municipalities or counties.

Environmental Designation Survey

1. Plan: A plan drawn to a scale of one (1) inch equals twenty (20) feet is included. The location of the property is included earlier in this text. The plan shows:

Location of property	General surface characteristics, water areas and drainage patterns
Date, approximate north point and graphic scale	Contours at an interval of not greater than one (1) foot (not shown, property is flat
Acreage within the property	100-year flood-prone areas by flood zone
Boundary lines of the property and their bearing and distances	Location of mean high-water
Topography and typical ground cover	

2. Natural Vegetation map and/or map of unique environmental features

Not included. This site is entirely disturbed and already developed. Existing vegetation is shown along with proposed landscaping.

3. Aerial photographs of the property and surrounding area.

This is included earlier.

4. A review of historical and archeological sites.

This site is entire developed on cleared, filled land. There are no historical or archeological sites.

5. A review of unique environmental features.

This site is entire developed on cleared, filled land. There are no unique environmental features.

6 Actual acreage of specific vegetation species or other environmental characteristics.

This site is entire developed on cleared, filled land.

7. General information relating to the property in regard to the potential impact which development of the site could have on the area's natural environment and ecology.

This site is entirely developed and filled land. The surrounding properties also are fully developed and are filled. The project will improve the natural environment and ecology by improving existing storm water management and landscaping with a diversity of native species.

8. Environmental resources.

There are no environmental resources on this total developed, filled property.

9. Environmental resources-wildlife.

There are no wildlife species that nest, feed or reside on or adjacent to the site.

10. Environmental resources-water quality.

There are no natural drainage patterns. The existing storm water management will be improved by the addition of retention / detention areas as far from the canal as possible.

The site currently is served by a septic tank but will hook up to the central sewer when available. Minimal additional usage of the septic tank is anticipated by customer and the five one-bedroom apartments.

The size of the boats is too small to warrant a pump-out facility.

Boat cleaning will be minimal and will occur as customers spray of their boats before they are placed on the racks. Modern engines allow a flushing of salt from the propeller shafts with fresh water with the engine tilted up.

Standards Applicable to All Conditional Uses (Sec. 110-67)

(1) The Conditional use is consistent with the purposes, goals, objectives and standards of the plan and this chapter.

This property is located in the Mixed Use / Commercial (MC) land use category on the Future Land Use map. The principal purpose of this category is to provide for districts:

"..where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. ..." Monroe County Comprehensive Plan Policy 101.4.5

This project is below the densities allowed by the code and is the type of mixed use with employee housing / commercial apartment contemplated by the above policy.

This property is zoned Suburban Commercial (SC). The purpose of this district is to serve the needs of the immediate planning area in which it is located and should be located convenient and accessible to residential areas without use of US-1 (Sec. 130-43). The proposed 5 affordable apartments are allowed as of right, the medium intensity retail over 2,500 sq. ft. is allowed as a minor conditional use, and marinas are allowed as major conditional use. This project will serve the immediate planning area. It is of a scale (only 27 dry slips) that sufficient customer base is found in the planning area. This area is only accessible by car due to the canal which separates virtually all the SC property from the residential area. However, it is very likely the marina is accessible by canal by the major residential area to the south.

The comprehensive plan includes many polices for water quality and storm water management. This Project will upgrade the existing site to current county storm water retention standards.

Policy 212.1.1 of the comprehensive plan addresses the need for placing water-dependent uses along suitable waterfronts. This project (boat racks) is a water dependent use and this waterfront is suitable as established below for marina criteria.

Policy 212.3.4 calls for developing marina siting criteria including benthic communities, adequate tidal circulations, access through existing channels, minimal shoreline modification, concern over upland alteration, ability to enhance marina resources, location of propeller dredging, and impact of boats on crocodiles, manatees, and turtles. This site complies with all these criteria.

(2) The conditional use is consistent with the community character of the immediate vicinity of the parcel proposed for development.

This property is located in the middle of the commercial area along US 1 on Summerland Key. The surrounding property is commercial/industrial along US 1 and single family homes across the canal. Extensive photographs of these surrounding properties are provided:

On the west, the adjacent property along the highway is a marine field station for Mote Marine and is zoned Sub Urban Commercial (SC). The area immediately on the property line is used as storage. The use of the subject property for boat racks is consistent with this use.

On the east, the adjacent property along the highway is an industrial yard used by Tano Landscape and Contractor Equipment Services and is zoned Sub Urban Commercial (SC). The area immediately on the property line is used as bulk storage for gravel and earth moving equipment. Huge concrete blocks are placed very close to the property line to contain these materials. The property further to the east is fully cleared and used by charter fishing boats for parking.

The use of the subject property for parking up to the fence is consistent with the adjacent property.

The property to the south, across the canal is zoned Improved Subdivision (IS) and is composed of single family homes backing onto the canal.

The design of this project has incorporated features to address this residential area. These include:

- Placing the forklift operations only in the western portion of the property where the existing boat ramp is located.
- Placing the boat racks at the front of the property.
- Orienting security lighting away from the houses, using low wattage whenever possible, using low profile lighting and using cutoff lighting
- Landscaping the shoreline setback area on the eastern portion of the property
- Limiting hours of operation for the forklift from 7:00 am to 6:30 pm. Boat that return after this time will be required to be secured to the seawall until they can be handled the next morning.

The property across US 1 is zoned native (NA) and is vacant. The project is separated from this property by US-1 and consequently will have minimal impact.

(3) The design of the proposed development minimizes adverse effects, including visual impacts, or the proposed use on adjacent properties.

As described in the Community Impact Study, the project has been designed to minimize adverse effects on adjacent properties. In addition, extensive landscaping will be placed along US 1 in order to enhance the scenic character of this All American Road.

(4) The proposed use will have an adverse effect on the value of surrounding properties.

Since purchasing the property in 2009, the owners have been cleaning up the site. The design is very carefully taking measures to minimize the impact on the surrounding properties. Certainly there will be no adverse impacts on Mote Marine to the west and Tano Landscaping and Equipment Service to the East.

It is doubtful there will be an adverse impact on the residences across the canal. There are several reasons for this.

- The recent use of the property has been haphazard. The commitment of the current project will remove this and also add security to how the property is used. This removal of uncertainty helps property values.
- The design is minimizing impacts as discussed above.
- This boat storage will provide an amenity to the surrounding boating community.

(5) The adequacy of public facilities and services, including, but not limited to roadways, park facilities, police and fire protection, hospital and Medicare services, disaster preparedness program, drainage systems, refuse disposal, water and sewers, judged according to standards from and specifically modified by the public facilities capital improvements adopted in the annual report required by this chapter.

As described in the Community Impact Statement, the project is adequately by public facilities with adequate capacity

(6) The applicant for conditional use approval has the financial and technical capacity to complete the development as proposed and has made adequate legal provision to guarantee the provision and development of any open space and other improvement associated with the proposed development.

The owners are experienced in marina development and management of marinas. They own several marinas in New England. They have the wherewithal to complete the construction.

(7) The development will adversely affect a known archaeological, historical or cultural resource.

There are no archaeological, historical or cultural resources on this highly disturbed site.

(8) Public access to public beaches and other waterfront areas is preserved as a part of the proposed development.

Public access to public beaches will not be affected. The project as a whole will increase public access to the water by preserving the boat ramp and adding boat storage and a forklift operation.

(9) The proposed use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use and by all other applicable requirements of the Code.

Additional Standards

Density Calculations (revisions from the original application are shown in ~~underline strikethrough and italic~~:

This is a mixed use property consisting of a market rate commercial apartment that will be reserved for the owner, 5 deed restricted employee units ~~and~~ 3,000 sq. ft. of medium intensity retail, and approximately 1,500 sq. ft. of marina use (office, storage/mechanic, & dock master building. As such, a mixed use calculation is necessary.

Site size: 30,000 sq. ft. = 0.698 acres. Buildable area = 80% = 0.551 acres

Market rate unit was built prior to 1986 and therefore staff stated that the maximum net density allowed is 6 units a buildable acre in the SC district. Thus 3.3 units are allowed. Only 1 unit exists and thus the market rate is at 30.3% of allowed.

Employee housing density in the SC allowed district is 18 units per buildable acre⁸. Thus 9.9 units are allowed. Only 6 units are proposed and thus the affordable housing is at 60.6% of allowed.

Medium intensity retail is allowed a floor area ratio of 0.25. For the 30,000 sq. ft. site a total of 7,500 sq. ft. of medium intensity is allowed. Existing is 3,000 sq. ft. of retail. Thus the medium intensity proposed is 40% of allowed.

Marina uses including the office, storage/mechanic space & dock master building of approximately 1,500 sq. ft. are considered light industrial use and thus are allowed a floor area ratio of 0.30. For this site 9,000 sq. ft. would be allowed and thus the proposed is 16.6% of allowed.

Section 130-156 requires that when mixed developments are proposed, the cumulative percentages may not exceed 100%. However, section 130-161(a)(5) allows proposed affordable housing to not be aggregated with non-residential density. The staff has further stated that a mixture of market rate and affordable housing also do not have to be aggregated.

The total of market rate density (30.3%) plus the non-residential floor area (40%) plus the marina uses (16.7%) is ~~70.3~~ 87% and thus complies. Similarly, the total of market rate density (30.3%) and the employee housing (60.6%) is a 90.9% and thus complies⁹.

Zoning Dimensional Requirements and Proposed: As mentioned above, the property is zoned Sub Urban Commercial (SC) and Marinas are permitted as a major conditional use while the housing is permitted as of right. Table 1 summarizes the general dimensional requirements.

⁸ Sec. 130-161(a)(1)b Monroe County Code.

⁹ Based on discussions with staff, the mixture of market rate and affordable units do not have to be aggregated. None the less, if aggregated, this project complies with density.

Table 1. Required and Proposed Dimensional Measurements

	Permitted/Required	Proposed
Height	35'	35' This includes an allowance for a boat on the top rack having a bimini cover.
Set Backs:		
Front (US 1)	25'	25' A driveway, parking and the front of boats on the racks are extending into this area. Variance requested
Side	10/15 ¹⁰	East side will have parking up to the fence adjacent to the bulk gravel storage of the neighbor. West side will have a rack 5 feet from the property line.
Canal	20'	20' The existing buildings do extend into this area. All new development will be setback at least 20' including parking.
Open Space	20%	53 %

Parking Calculations:

This project is composed of retail, marina and residential uses, each of which has separate parking requirements as specified by Section 114-67(c) of the Monroe County Code. Table 2 lists these standards and the total 27 required before any adjustments.

Section 114-67(i) allows an adjustment for mixed used projects that share parking. Based on this, the parking required is reduced to 25 as indicated in Table 3. However, this is still an excessive amount of parking for this small project and additional adjustments should be made to result in 14 spaces being required. These adjustments are shown in tables 4 and 5. The explanation for these adjustments are:

1. For the affordable apartments the standard of 1.5 can be reduced to 1.0. The standard of 1.5 was established for full size market rate, multifamily apartments. However, the proposed affordable units are less than 600 sq. ft. and will be employee rental units. Thus there will be fewer people and the landlord can limit the cars owned.
2. The market rate unit is also very small and thus the standard of 1.5 can be reduced to 1.0. Additionally, this will be used infrequently by the owners or guests and only one car is anticipated.
3. The standard of 1 parking space per four (4) dry racks can be reduced to 1 space per eight (8) racks. The requirement initially recommended by the planning staff was 1 space per eight (8) racks. However, Commissioner Stormont changed the standard at the adoption hearing without

¹⁰ One side is required to be at least 5 feet and the other 10 feet.

any testimony or opinion. Thus, the standard of 1 space per 8 racks is reasonable. Additionally, it is anticipated that many of the racks will be used for storage by people who own houses on canals and want a secure place to store their boats when they are away for the summer.

4. The shared parking calculations do not account for the fact that the apartments will be occupied by working people that will either be commuting offsite or working onsite and thus not require an employee parking space that is normally required as part of the commercial standard. This will apply during the evenings as well as weekends.
5. The retail space will closed during the evening and thus the parking required during this time can be greatly reduced.

Table 2. Calculation of Parking Required. (Section 114.67(c))

No adjustment for shared parking or unique features of the proposal.

	Land Use	Size	Requirement	Total Required
Res.	Commercial apt	1 apt	1.5/apt	1.5
Res.	Afd apt	5 apts	1.5/apt	7.5
Retail	Retail	3000 sq. ft.	1/1000 sq. ft.	9
Marina	Dry slips	36 dry racks	0.25/rack	9
	Grand Total			27
Marina		9		
Res. Total		9		
Retail		9		
TOTAL		27		

Table 3. Shared Parking Adjustment to Required Parking. (Section 114-67(i))

				Weekday				Weekend			
		Nighttime		Day		Evening		Day		Evening	
		Mid - 6am		9am - 4pm		6pm - mid		9am - 4pm		6pm - mid	
	Req Spaces	% of Req.	Req.	% of Req.	Req.	% of Req.	Req.	% of Req.	Req.	% of Req.	Req.
Marinas	9	0.05	0.45	0.7	6.3	0.1	0.9	1	9	0.2	1.8
Residential	9	1	9	0.6	5.4	0.9	8.1	0.8	7.2	0.9	8.1
Retail	9	0.05	0.45	0.6	5.4	0.9	8.1	1	9	0.7	6.3
TOTAL	27		9.9		17.1		17.1		25.2		16.2

Table 4. Adjustment to Calculation of Parking Required

Adjustments show with **bold underline and italics**

Adjustments due to size and use of apartments and marina standard.

	Land Use	Size	Requirement	Total Required
Res.	Commercial apt	1 apt	<u><i>1.51.0/apt</i></u>	<u><i>1.51.0</i></u>
Res.	Afd apt	5 apts	<u><i>1.51.0/apt</i></u>	<u><i>7.55.0</i></u>
Retail	Retail	3000 sq. ft.	1/1000 sq. ft.	9.0
Marina	Dry slips	36 dry racks	<u><i>0.250.125/rack</i></u>	<u><i>9.04.5</i></u>
	Grand Total			19.5
		Total Spaces		
Marina		9		
Res. Total		9		
<u>Retail</u>		<u>9</u>		
TOTAL		27		

Table 5. Adjustment to shared parking

Adjustments show with **bold underline and italics**

Due to control of hours of operation and use of the apartments by working people.

				Weekday				Weekend			
		Nighttime		Day		Evening		Day		Evening	
		Mid - 6am		9am - 4pm		6pm - mid		9am - 4pm		6pm - mid	
	Req Spaces	% of Req.		% of Req.		% of Req.		% of Req.		% of Req.	
Marinas	4.5	0.05	0.225	0.7	3.15	0.1	0.45	<u><i>10.9</i></u>	<u><i>94.05</i></u>	0.2	0.9
Residential	6	1	6	0.6	3.6	0.9	5.4	<u><i>10.5</i></u>	<u><i>7.23</i></u>	0.9	5.4
Retail	9	0.05	0.45	0.6	5.4	0.9	8.1	<u><i>10.8</i></u>	<u><i>97.2</i></u>	0.7	6.3
TOTAL	19.5		6.675		12.15		13.95		<u><i>25.214.25</i></u>		12.6

US 1 Major Street Buffer C Required – See Landscape Plan.

Overall site (300' x 10'). The requirement indicated is not reduced by the driveways whereas the above landscape areas do not include the driveways. That is why this total required is more than that indicated for just the landscape areas.

Table 6. US 1 Buffer Proposed

Forward of Fence	Required	Existing	Add	Total
Canopy	15	12 coconut palm	3	15
Understory	6	0	6	6
Shrubs	60	21 silver buttonwood	92	152

District Boundary Buffer (along the canal) B Required (300' x 5')

Forward of New Fence	Required	Existing	Add	Total
Canopy	9	2 mahogany 2 Gumbo Limbo 1 green buttonwood	4	9
Understory	3	2 green buttonwood	2	4
Shrubs	30	0	31	31

Marina Buffer

A perimeter setback of 10 feet with a class C bufferyard is required for a marina in the SC district (Section 190-93(c)(5)3). The east side of the property is a parking lot and a marina buffer should not be required. On the west side of the property the property, is non-conforming with this requirement and was not required when the building was added to Sherman Marine¹¹. To the maximum extent practical, this project will add landscaping along both properties. It should be noted that to the west is the Mote Marine Field Station.

Parking Lot Landscaping – See Landscape Plan. This property is designated SC and thus Class A Parking Lot Landscaping is required.

	<i>Area (square feet)</i>	<i>Canopy</i>	<i>Understory</i>	<i>Shrubs</i>
<i>Requirement / 24 spaces</i>	<i>1,500</i>	<i>5</i>	<i>1</i>	<i>12</i>
<i>Required for 14 spaces</i>	<i>937.5</i>	<i>3</i>	<i>1</i>	<i>7</i>
<i>Proposed</i>	<i>100 (5x20) between US 1 buffer & parking. 900 (15x60) between district buffer and parking.</i>	<i>3</i>	<i>1</i>	<i>10</i>

¹¹ Minor Conditional Use Development Order #15-90 for "construction of a 3,000 square-foot addition to a project known as Sherman Marine"